

Art Unit: 3711

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: The game Phantom Haus, and the Patents to Lemay et al. and Baerlocher et al. all disclose a casino game of chance, slot machine, having a game surface and a playing path on the game surface. A movable indicia moves on the path from a start position to an end position according to chance. None of the cited references alone or in combination teach the claimed "a **plurality** of paths on the game surface arranged for player selection of one path" and "a random frequency of a bonus game to the probability of landing on each position and to a value of each position so that an expected value of each of the paths is approximately identical for a house advantage is in a predetermined range".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.